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EXAMINER

BHATTACHARYA, SAM

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,206	<b>Applicant(s)</b> DJELOGIRY, HOSSEIN	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai et al. (U.S. Patent 6,600,930).

As to claim 1, Figure 1 in Sakurai shows a mobile telecommunications device (1) for accessing a server (2) via a wireless telecommunications network (3), the device being configured to be provided with data by the user prior to establishing a connection with said server, said data comprising information for identifying the server and further information to be used by the server ("referring to the flowcharts shown in FIGS. 6 and 7, a procedure in which information is acquired using the WWW browser function including each operation of the common server 2 and the information provider 11 will be described below. That is, when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1), the member terminal 1 automatically executes processing for connecting to the common server 2 as in the case of the above facsimile function and the electronic mail function (a step S2). That is, the member terminal 1 sends a request to connect to the common server 2 using the identification information of the member terminal 1 and address data for connecting to the common server 2

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via the ISP server 71 respectively stored in the flash memory 124” (Col. 22, line 59 to Col. 23, line 7)), and the device being configured to access the server using the data for identifying said server and information for identifying said device and after a connection has been established, to transmit said further information to said server (“the common server 2 receives the request for connection from the member terminal 1, recognizes what member terminal the connected member terminal is (a step S5) and sends a list of information which can be provided to the member terminal 1 to the so-called home page of the member terminal 1 (a step S6). FIG. 8 shows an example of the list of providable information. The member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list” (Col. 23, lines 16-28)).

As to claim 2, the Sakurai reference discloses a device according to claim 1, wherein search engine software is associated with said server (“the common server 2 receives the request for the provision of the information from the member terminal 1 and analyzes what the requested information is (a step S10)” (Col. 23, lines 36-38). “If the information requested to be provided is not stored in the memory 26A, the common server 2 accesses to an information provider 11 which provides the corresponding information” (Col. 23, lines 45-49)).

As to claim 3, the Sakurai reference discloses a device according to claim 2, wherein said search engine software is run on said server (“the common server 2 receives the request for the provision of the information from the member terminal 1 and analyzes what the requested information is (a step S10)” (Col. 23, lines 36-38). “If the information requested to be provided is not stored in the memory 26A, the common server 2 accesses to an information provider 11 which provides the corresponding information” (Col. 23, lines 45-49)).

As to claim 4, the Sakurai reference discloses a device according to claim 1, wherein said information for accessing said server includes a predefined link to said server (“when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1), the member terminal 1 automatically executes processing for connecting to the common server 2 as in the case of the above facsimile function and the electronic mail function (a step S2). That is, the member terminal 1 sends a request to connect to the common server 2 using the identification information of the member terminal 1 and address data for connecting to the common server 2 via the ISP server 71 respectively stored in the flash memory 124” (Col. 22, line 64 to Col. 23, line 7)).

As to claim 5, the Sakurai reference discloses a device according to claim 4, wherein said information for accessing said server includes a command selecting said predefined link (“when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1), the member terminal 1 automatically executes processing for connecting to the common server 2 as in the case of the above facsimile function and the electronic mail function (a step S2). That is, the member terminal 1 sends a request to connect to the common server 2 using the identification information of the member terminal 1 and address data for connecting to the common server 2 via the ISP server 71 respectively stored in the flash memory 124” (Col. 22, line 64 to Col. 23, line 7)).

As to claim 6, the Sakurai reference discloses a device according to claim 1, wherein said further information comprises a request to be provided with a response from said server (“the common server 2 receives the request for connection from the member terminal 1, recognizes

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what member terminal the connected member terminal is (a step S5) and sends a list of information which can be provided to the member terminal 1 to the so-called home page of the member terminal 1 (a step S6). FIG. 8 shows an example of the list of providable information. The member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list” (Col. 23, lines 16-28)).

As to claim 7, the Sakurai reference discloses a device according to claim 6, wherein the device is configured to receive said response (“the common server 2 receives the request for the provision of the information from the member terminal 1 and analyzes what the requested information is (a step S10)” (Col. 23, lines 36-38). “If the information requested to be provided is not stored in the memory 26A, the common server 2 accesses to an information provider 11 which provides the corresponding information, acquires the above information requested to be provided and sends it to the requesting member terminal 1 (a step S13). Next, the member terminal 1 receives information sent from the common server 2 in the step S12 or S13” (Col. 23, lines 45-53)).

As to claim 8, the Sakurai reference discloses a device according to claim 7, wherein said response includes a link for accessing a web page (“information is provided from the common server 2 using a WWW browser function according to a hyper text transfer protocol (HTTP)” (Col. 20, lines 1-3). “The member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list” (Col. 23, lines 16-28). See also Figure 8).

As to claim 9, the Sakurai reference discloses a device according to claim 1, wherein said further information comprises a search string for search engine software (“as shown in FIG. 9, a user inputs information to be facsimiled as a handwritten memorandum or a typed memorandum using a memorandum function in the member terminal 1 as described above (a step S1)” (Col. 24, lines 35-38). “The user inputs the phone number (“search string”) of the destination and the title (a step S3)” (Col. 24, lines 42-44). “The mail server 22 of the common server 2 receives a mail from the member terminal 1 as shown in FIG. 10, expands user information (member information) and checks whether the terminal is a member terminal or not (a step S11). Next, the above mail server checks a destination (a step S12), if the destination is a member terminal, the mail server converts to a mail format and determines to send as an electronic mail (a step S13)” (Col. 24, line 66 to Col. 25, line 6)).

As to claim 10, the Sakurai reference discloses a device according to claim 1, wherein said device configured to be provided with said data from said user prior to a session between said device and said server (“referring to the flowcharts shown in FIGS. 6 and 7, a procedure in which information is acquired using the WWW browser function including each operation of the common server 2 and the information provider 11 will be described below. That is, when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1), the member terminal 1 automatically executes processing for connecting to the common server 2 as in the case of the above facsimile function and the electronic mail function (a step S2). That is, the member terminal 1 sends a request to connect to the common server 2 using the identification information of the member terminal 1 and address data for connecting to the common server 2

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via the ISP server 71 respectively stored in the flash memory 124” (Col. 22, line 59 to Col. 23, line 7)).

As to claim 11, the Sakurai reference discloses a device according to claim 1, wherein the device is configured to provide a user interface for receiving said data from the user (“referring to the flowcharts shown in FIGS. 6 and 7, a procedure in which information is acquired using the WWW browser function including each operation of the common server 2 and the information provider 11 will be described below. That is, when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1)” (Col. 22, lines 59-67)).

As to claim 12, the Sakurai reference discloses a device according to claim 11, wherein said user interface includes a controller for processing said data from the user (“the member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list”. “The user operates such as specifies the pushbutton icon of requested information by the pen 107 (at step S8). In response to the above operation, the member terminal 1 sends a request for the provision of the specified information to the common server 2” (Col. 23, lines 26-35)).

As to claim 13, the Sakurai reference discloses a device according to claim 11, wherein said user interface includes keys for entering said data (“the member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list”. “The user operates such as specifies the pushbutton icon of requested information by the pen 107 (at step S8). In response to the above



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operation, the member terminal 1 sends a request for the provision of the specified information to the common server 2” (Col. 23, lines 26-35)).

As to claim 14, the Sakurai reference discloses a device according to claim 11, wherein said user interface includes a display for guiding said user when entering said data (“the member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list”. “The user operates such as specifies the pushbutton icon of requested information by the pen 107 (at step S8). In response to the above operation, the member terminal 1 sends a request for the provision of the specified information to the common server 2” (Col. 23, lines 26-35)).

As to claim 15, the Sakurai reference discloses a device according to claim 11, wherein said user interface is configured to provide a menu comprising a plurality of selectable menu items (“the member terminal 1 is constituted so that in the data communication mode, it can realize a facsimile function, an electronic mail function, a world wide web (WWW) browser function, a memorandum function and others. A list menu of these functions is displayed on the screen of LCD 105 by operating a menu key of the keys 108” (Col. 19, lines 45-51)).

As to claim 16, the Sakurai reference discloses a device according to claim 15, wherein a first menu item comprises a link for accessing a web page (“the member terminal 1 is constituted so that in the data communication mode, it can realize a facsimile function, an electronic mail function, a world wide web (WWW) browser function, a memorandum function and others. A list menu of these functions is displayed on the screen of LCD 105 by operating a menu key of the keys 108” (Col. 19, lines 45-51)).

As to claim 17, the Sakurai reference discloses a device according to claim 16, wherein a second menu item comprises an editor for entering information (“the member terminal 1 is constituted so that in the data communication mode, it can realize a facsimile function, an electronic mail function, a world wide web (WWW) browser function, a memorandum function and others. A list menu of these functions is displayed on the screen of LCD 105 by operating a menu key of the keys 108” (Col. 19, lines 45-51). “The memorandum function includes a handwritten memorandum function for inputting using the pen 107 and the touch panel 106 and a typed memorandum function for displaying a keyboard on the screen of LCD 105 and creating a document utilizing the displayed keyboard” (Col. 20, lines 21-25)).

As to claim 18, the Sakurai reference discloses a device according to claim 17, wherein said editor is a text editor for entering a search string for search engine software (“as shown in FIG. 9, a user inputs information to be facsimiled as a handwritten memorandum or a typed memorandum using a memorandum function in the member terminal 1 as described above (a step S1)” (Col. 24, lines 35-38). “The user inputs the phone number (“search string”) of the destination and the title (a step S3)” (Col. 24, lines 42-44). “The mail server 22 of the common server 2 receives a mail from the member terminal 1 as shown in FIG. 10, expands user information (member information) and checks whether the terminal is a member terminal or not (a step S11). Next, the above mail server checks a destination (a step S12), if the destination is a member terminal, the mail server converts to a mail format and determines to send as an electronic mail (a step S13)” (Col. 24, line 66 to Col. 25, line 6)).

As to claim 20, the Sakurai reference discloses a device according to claim 1 which is a mobile telephone handset (“as shown in FIG. 1, a reference number 1 denotes a portable

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radiocommunication terminal under a contract with a common server and 2 denotes the common server” (Col. 11, lines 46-49)).

As to claim 21, the Sakurai reference discloses a device according to claim 1 which is a PDA (“the member terminal 1 is provided with configuration as personal digital assistants (PDA)” (Col. 15, lines 13-14)).

As to claim 22, the Sakurai reference discloses a method, in a mobile telecommunications device, of accessing a server via a wireless telecommunications network, the method comprising:

said device being provided with data from said user, said data comprising information for identifying said server and further information to be used by said server; establishing a connection with said server using said data for identifying said server and information identifying said device (“referring to the flowcharts shown in FIGS. 6 and 7, a procedure in which information is acquired using the WWW browser function including each operation of the common server 2 and the information provider 11 will be described below. That is, when the online connecting key K2 of the keys 108 is pressed while the WWW browser function is selected in a function menu displayed on the screen of LCD 105 (a step S1), the member terminal 1 automatically executes processing for connecting to the common server 2 as in the case of the above facsimile function and the electronic mail function (a step S2). That is, the member terminal 1 sends a request to connect to the common server 2 using the identification information of the member terminal 1 and address data for connecting to the common server 2 via the ISP server 71 respectively stored in the flash memory 124” (Col. 22, line 59 to Col. 23, line 7)); and

transmitting said further information to said server subsequent to establishing said connection ("the common server 2 receives the request for connection from the member terminal 1, recognizes what member terminal the connected member terminal is (a step S5) and sends a list of information which can be provided to the member terminal 1 to the so-called home page of the member terminal 1 (a step S6). FIG. 8 shows an example of the list of providable information. The member terminal 1 displays a home page including the list of providable information on the screen of LCD 105 (a step S7). Then, a user operates to select desired information in the list" (Col. 23, lines 16-28)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,600,930 to Sakurai et al. in view of Vandermeijden et al. (U.S. Patent Application Publication 2004/0067751 A1).

As to claim 19, the Sakurai reference discloses a device according to claim 1. However, it does not expressly disclose the device is WAP-enabled. The Vandermeijden reference teaches the device is WAP-enabled ("to access web pages on the Internet, network servers and network personal computers (PCs) normally use standard web protocols and mark-up languages, such as hypertext transport protocol (HTTP) and hypertext markup language (HTML), respectively.

Mobile devices, on the other hand, generally use wireless protocols such as wireless access protocol (WAP) or handheld device transport protocol (HDTP) and wireless markup languages such as wireless markup language (WML) and handheld device markup language (HDML) to accomplish similar tasks” (page 3, col. 1, paragraph [0029]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Sakurai wherein the device is WAP-enabled, as taught by Vandermeijden, in order to access web pages on the Internet with a mobile device.

### ***Response to Arguments***

1. Applicant's arguments filed 9/27/04 have been fully considered but they are not persuasive.

Applicant argues that the Sakurai reference does not disclose a mobile telecommunications device being configured to be provided with data by a user prior to establishing a connection with a server, or the device being configured to access the server using the data for identifying the server and information for identifying the device and after a connection has been established, to transmit the further information to the server. Examiner respectfully disagrees. Examiner points out that the use of the term “configured” renders this recitation an intended use limitation. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art, if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). Moreover, Sakurai still teaches the above-cited limitation. The identification of the member terminal 1 in Sakurai corresponds to the information identifying the device. The

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address data for connecting to the server in Sakurai corresponds the data for identifying the server.

Applicant argues that Sakurai does not disclose where search engine software is associated with the server or where the further information includes a search string for the search engine software. Examiner respectfully disagrees. The inputting of a phone number is an example of a search string, and a search engine needs to be associated with the server to execute the search string.

Applicant argues that none of the references discloses where the device is WAP-enabled. Examiner respectfully disagrees. Vandermeijden disclose a mobile device that uses wireless access protocol (WAP) and is therefore WAP-enabled.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

1-21-05